

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3387 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

=====

1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

AMBAJI AUTO INDUSTRIES

Versus

STATE OF GUJARAT

Appearance:

MR YN OZA for Petitioner
MR MUKESH PATEL, AGP for Respondent No. 1
MR GS HARIBHAKTI for Respondent No. 3, 4, 5

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 25/02/2000

ORAL JUDGEMENT

In this petition under Article 226 of the Constitution, the petitioner firm carrying on the business of manufacturing and selling three wheeler loading rickshaws had challenged the action of the

respondents in requiring the petitioner to comply with the provisions of Rule 217-A of the Bombay Motor Vehicles Rules on the ground that the Rule was not yet brought into force and still it was sought to be enforced.

2. In response to the notice issued by this Court, the learned Govt. Solicitor appearing for respondent No. 1-State of Gujarat had stated on 28.7.1987 that Rule 217-A had not come into force and, therefore, this Court admitted the petition and directed that the provisions of Rule 217-A shall not be enforced till further orders and that it was open to the respondent-State of Gujarat to move the Court for suitable modification of the said order if and when Rule 217-A was brought into force.

3. When the matter is called out for final hearing today, it is pointed by Mr Mukesh Patel, learned AGP appearing for the respondent authorities that during pendency of the petition, the Motor Vehicles Act, 1939 is repealed and the Motor Vehicles Act, 1988 has come into force and the rules framed thereunder viz. Central Motor Vehicles Rules, 1989 have come into the force with effect from 1.7.1989. The relevant rule applicable to the petitioner is Rule 126 and the motor vehicles manufactured by the petitioner are registered by the concerned registering authorities in the State of Gujarat in view of the compliance made by the petitioner with the requirements of Rule 126 of the 1989 Rules. The learned AGP has placed on record the instructions dated 24.11.1999 from the Joint Director of Transport, Gujarat State, Ahmedabad to the Government Pleader.

4. In view of the above, the learned counsel for the petitioner also agrees that the petitioner's grievance does not survive and that the petition has become infructuous.

5. In view of the above discussion, the petition is dismissed as infructuous. Rule is discharged. There shall be no order as to costs.

February 25, 2000 (M.S. Shah, J.)
sundar/-